A DECLARATION OF HIS HIGHNES, By the Advice of HIS COUNCIL;

Setting forth,

On the Behalf of this *Commonwealth*, the Juſtice of their Cauſe againſt

SPAIN.

Friday the 26th of *October*, 1655.

Ordered by His Highneſs the Lord Protector, and the Council, That this Declaration be forthwith printed and publiſhed.

Hen: Scobell, Clerk of the Council.

LONDON,

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A *Declaration* of His Highneſs, by the Advice of His Council; Setting forth, on the behalf of this COMMONWEALTH, the Juſtice of their Cauſe againſt SPAIN.

THe Juſt and moſt Reaſonable Cauſes and Grounds of Our late Enterprize upon ſome Iſlands poſſeſſed by the Subjects of the King of Spain in the Weſt-Indies, are very obvious to any that ſhall reflect upon the poſture wherein the ſaid King and his people have always ſtood, in relation to the Engliſh Nation in thoſe parts of America, which hath been no other then a continual ſtate of open War and Hoſtility; at the firſt moſt unjuſtly begun by them, and ever ſince in like ſort continued and proſecuted, contrary to the Common Right and Law of Nations, and the particular Treaties between England and Spain.

It is true indeed, That of late years the Engliſh have for the moſt part been Patients, and upon the Defenſive onely, which may poſſibly occaſion ſome to look upon the late Expedition into the Weſt-Indies, as an Entrance into a new War, and not as it was indeed the proſecution of a War already in being, and ſtill (notwithſtanding all Endeavors on the part of this State, for ſetling a firm Peace and friendly Commerce in thoſe parts) obſtinately continued, and carried on by the Spaniards; who, as oft as they have opportunity, without any juſt Cauſe or Provocation at all, ceaſe not to kill and ſlaughter, nay ſometimes

in cold Blood, to murther the people of this Nation, spoiling their Goods and Estates, destroying their Colonies and Plantations, taking also their Ships (if they meet with any) upon those Seas, and using them in all things as Enemies, or rather as Rovers & Pyrates, for so they most injuriously and ignominiously brand all Nations (except themselves) which shall presume to sayl upon those Seas, upon no other or better Right or Title, then that of the Popes Donation, and their first Discovering some parts of the West-Indies; whereupon they would appropriate to themselves the sole Signiory of that New World; of which most absurd Pretension, there will be occasion to speak more largely, when we come to consider the Causes why the Spaniards should think it reasonable for them to exercise all maner of Hostility in those parts against the English, in so far as to make such of them, as by stress of weather, Shipwrack, or other like Calualty, are cast upon those Coasts, prisoners, nay slaves; and yet to accompt it a great Injury, and Breach of the Peace (even here in Europe) for the English to attempt any thing upon them in those parts by way of Retaliation, and for their just Satisfaction.

But although the King of Spain's Embassadors (emboldened upon the assurance of a prevalent Spanish Faction, always in the Council of the late King and his Father) have had the Confidence to make most ridiculous and irrational Complaints and Demands, upon any thing done in that kinde by the English; yet would not the said Kings (though too much

much addicted to the Spaniards) ever tie their own Subjects hands, Where the Spaniards held their hands to be loose, but suffered them to repell Force, by Force, and to exercise Acts of Hostility in those parts against the Spaniards, who never would keep any Peace there; insomuch that about the year One thousand six hundred and fourty, when this Question was brought into debate before the Council of the late King, the Spanish Ambassadour demanding the stop of certain Vessels then in the River, ready to set sail for America, With Commissions to exercise Acts of Hostility there against the Spaniards; And the English, upon a Demand made of Commerce in the West-Indies, by the Lords of the Council appointed for that affair, being denyed the same, they determined that the Ships should proceed in their Enterprizes, Which they did accordingly.

Thus far the late Kings owned their Subjects in the War they maintained in those parts, upon their private accompt, although through the prevalency of the forementioned Spanish Faction, they would never afford them that publique Protection which was due unto them, and Which was suitable to the Honour and Interest of this Nation. And it would have been as Dishonourable and Unworthy for Us, who, through the goodness and providence of God, Were so well furnisht with Ships of War fit for Foreign Service, to have let them lie rotting at home, rather than to have employed them for the just Revenge of so much English (Why

may we not also say) Indian blood, so unjustly, so unhumanely, and so cruelly spilt by the Spaniards in those parts, Since God hath made of one blood, all Nations of men, for to dwell on all the face of the Earth, and hath determined the times before appointed, and the bounds of their habitation; And certainly, at one time or another, by some hand or other, God will have an accompt of the Innocent Blood of so many Millions of Indians, so barbarously Butchered by the Spaniards, and of the Wrong and Injustice that hath been done unto them.

But we shall have no need to have recourse unto the common Brotherhood between all Mankinde, which in some sort may interest them in the horrid, and enormious injuries of each other; the blood and spoils of our own Countreymen, being sufficient to Warrant the late Expedition, besides the Consideration of Present Interest, and Future Security to this Nation, and all its Allyes, especially of the Protestant Religion, with sundry other Reasons and Motives, which were Inducements to that Undertaking, the which it is not our Business (at present) particularly to declare, but the Justice and Warrantablenesse thereof; For the better cleering whereof, and manifesting what hath been already alleadged in generall, it will be necessary to cast our eyes a little back, and to take a view of the Transactions between England and Spain, and the state they have been in, with Relation to each

other,

other, ſince the Reformation of Religion, and the Diſcovery of the Weſt Indies; which two great Revolutions, happening neer about the ſame time, did very much alter the State of Affairs in the World, eſpecially in Relation to the Engliſh and Spaniſh Nations, who ever ſince have taken a Different, and almoſt a contrary Meaſure of their Intereſt, from what they did before. For, although the late King, and his Father, contrary to the Stream and Current of the Affections and Hearts of this Nation, patched up two Treaties of Peace with Spain; yet thoſe New Principles, begotten through the Difference of Religion, and the Continual Quarrels in the Weſt Indies, together with the Spaniards perpetual Jealouſies of the Engliſh, in reſpect of his Treaſure there, as they have rendred the late Endeavours of this Common-Wealth Fruitleſs, as to the ſettling of a Firm Peace, upon Juſt and Honourable Tearms, ſo were they the true Cauſes that induced Philip the Second King of Spain, in the time of Queen ELIZABETH, to break that Antient and long un-interrupted League, which this Nation had with his Predeceſſours, both of the Burgundian and Caſtillian Line, and entering into a War with the ſaid Queen, to Deſign (and depending a Treaty of Peace) in the year, One thouſand five hundred eighty eight, to attempt a total Conqueſt of this Nation, which muſt needs ly cloſe by Engliſh mens hearts, and

and will not easily out of their Mindes. And albeit there was after, a kinde of Peace and Commerce in Europe (though never such a one, as that an Englisſh man durſt own his Religion in the Spaniſh Dominions, or keep a Bible in his Houſe or Ship) yet in the West Indies, the Spaniards would never ſince admit either of Peace or Commerce, notwithſtanding that both are expreſly accorded, by the Treaty made between Henry the eighth King of England, and the Emperour Charles the Fifth, in the year One thouſand five hundred fourty two, Wherein Peace and free Commerce is agreed upon between the two States, and the Subjects of each Prince in all the Dominions, Ports and Territories of each other whatſoever, without any exception of the West Indies, though at that time in poſſeſſion of the ſaid Emperour.

And as to the Article of Peace in all parts of the World; It is expreſly contained in all the Treaties of Peace, that ever were between the two Nations; neither is there any reſtriction of Commerce in any Treaty, before that of One thouſand ſix hundred and four, Whereunto the laſt Treaty, in the year One thouſand ſix hundred and thirty, doth exactly agree, as to this matter. In which two laſt Treaties, Commerce is agreed in all and ſingular the Dominions of both States; In which, before the Warre between *Philip* the Second King of *Spain*, and *Elizabeth* Queen of *England*, there had been Commerce between the two Kingdomes,

like

like and according to the uſe and obſervance of the Ancient Leagues and Treaties made before the ſaid time: These are the Words of the Treaties, which leave the matter doubtful, and ſo King James was contented to ſlubber up a Peace with Spain, when he reſumed the Treaty, which was on foot a little before the death of Queen Elizabeth; and wherein, amongſt other things, ſhe gave her Commiſſioners Inſtructions to inſiſt upon Commerce, and a Free Trade in the Weſt-Indies.

But King James (who was exceeding fond of a Peace with Spain) was content to leave that Point in ſuch ſort, as that either part might interpret the Article in their own ſenſe; although if thoſe Words of The uſe & obſervance of the ancient Leagues and Treaties are to be underſtood (as in Reaſon they ought) according to what of Right ought to have been obſerved, and not according to what in Fact was practiſed on the Spaniards part, in direct violation thereof, (which was continual matter of complaint on the part of the Engliſh, and of quarrel between the two Nations) it is very evident by the expreſs Words of the Ancient Treaties, That the Engliſh were to have Commerce, as well as Peace, in all the Spaniſh Dominions whatſoever.

But if the meaſure of the Obſervance of the Ancient Leagues and Treaties, is to be taken from the manifeſt Violation and Infringement of them, the Spaniards may have ſome colour to interpret that Clauſe of the laſt Treaties, as reſtraining Commerce in thoſe parts. And yet, for the firſt half of the time between the aforementioned Treaty

1542. and the breaking forth of the War between Queen Elizabeth and Philip the Second King of Spain, there appeareth as much in matter of Fact for the Permiſſion, as for the Prohibition of Trade in thoſe parts. And after, when the Spaniards utterly refuſed Commerce, the Exchange of Wares was turned into the Exchange of Blows, and of Powder and Shot, as well before the War between Queen Elizabeth and Philip the Second King of Spain, as after the Peaces made by King James in the Year 1604, and by his Son in the Year 1630, yet ſo, as that it did not interrupt the Commerce in theſe parts of Europe; although now the King of Spain by his late Embargo, hath firſt interpreted the Quarrels of thoſe parts, to extend unto theſe of Europe alſo.

But we do not inſiſt either upon the interpretation of the Treaties, or Right of Commerce thereby, or otherwiſe, as that whereon we have any need to ſtate Our Quarrel, it being founded upon Clear and Undiſputable Grounds, as we ſhall preſently declare; yet ſuch things as may not be ſo neceſſary Cauſes whereupon to found and begin a War, may be reaſonable Impediments to the concluding of a Peace, or at leaſt to the renewing of a League, wherein we cannot have ſo much alowed, as in former Leagues have been admitted, and in reaſon may be expected; which may ſerve alſo for an Anſwer to that Queſtion, why, having renewed Our Leagues with all other Nations, we have not done it with the King of Spain; and that we have not demanded as a Condition thereof, his right

right Eye, much leſs (as hath been ſaid) both his Eyes, becauſe We would not be at the Mercy of a cruel Inquiſition, where We are admitted to Commerce, and would be admitted to Commerce where We ought not to be excluded from it, neither by the ancient Treaties, nor of Common Right; for although the King of Spain hath formerly taken upon him to preſcribe Us Bounds of Trade, upon a Law made by the Pope, inhibiting all Trade and Commerce with Turks, Jews and other Infidels, * and upon that Accompt his Ships of War in time of Peace, have taken and ſpoiled Our Ships in other parts of the World, as well as in the West-Indies; And although by the like Authority from the Pope, and upon the Title of his Donation, he claimeth a Right over the Indians, as if they were all his Subjects, even thoſe that actually are not under his Power or Obedience; yet We acknowledge no ſuch Right, neither in the Pope nor King of Spain, to take away from the Indians the Right of their Liberty, or from Us the Right which We have by the Law of Nature, and of Nations, of Converſe and Commerce with them, eſpecially ſuch of them as are not actually under the Power and Subjection of the King of Spain.

* *William Stephens* of *Briſtol*, with divers Merchants of *London*, in the Years 1606, and 1607, having three of their Ships on the Coaſt of *Barbary*, in trade with the People of that Countrey, the King of *Spains* Men of War ranging that Coaſt, and finding theſe Ships at anchor in *Saphio* and *Sancta Cruce* Road, rifled them of what they had, ſaying, *That the King their Maſter would not give Liberty of Trade with Infidels*; Their Loſſes amounted to above Two thouſand pounds.

Another Impediment to the renewing of the League with Spain, is manifeſt and notorious, and ſuch as cutteth off all Aſſurance from Publike Miniſters and Agents imployed into the Dominions of the King of Spain, upon

upon any Negotiations of Amity, or other Tranſactions between the two States, where the Prince holdeth forth ſuch principles, as render him uncapable to give Security and Protection to Ambaſſadors and Publique Miniſters, againſt Aſſaſſinations and outragious Attempts of violence upon their perſons; Which, for the preſerving of Entercourſe, and a good Underſtanding between Princes and States, by the Law of Nations, have always been held moſt inviolable and more ſacred then thoſe Sanctuaries, Whoſe Priviledges (derived from the Authority of the Pope and Church of Rome) have been pretended to elude and avoid the Execution of Juſtice from time to time demanded, and inſiſted upon by this Commonwealth, upon the Aſſaſſinates of Mr. Anthony Aſcham, ſent under a Publique Character from this Commonwealth into Spain, to procure and ſettle a good Underſtanding between the two Nations; for which barbarous Murther, no ſatisfaction or condign puniſhment upon the ſaid Aſſaſſinates, could ever be obtained, though required * by the Parliament, and often inſiſted upon by the Council of State in their be-

* This appears by a Clauſe in a Letter ſent from the Parliament, and ſigned by their Speaker, to the King of *Spain* in *January* 1650. viz; *We Require of your Majeſty, and inſiſt upon it, That Satisfaction be at length given to Publique Juſtice, touching the flagitious Murther of* Anthony Aſcham *Our Reſident; And the rather, becauſe after due Puniſhment inflicted upon the Authors of a Wickedneſs of ſuch a nature, We ſhall not doubt to ſend Our Ambaſſador to your Royal Court, to treat of thoſe things which may be of Advantage, as well to your Majeſty, as to this Our Commonwealth. On the contrary, if we ſhould ſuffer that Blood, notorious by ſo many circumſtances, to paſs unavenged; We ſhall neceſſarily in the ſight of God, Our onely Deliverer, and the everlaſting Fountain of Our Mercies, and before the whole Engliſh Nation, become Partners in the Guilt; eſpecially if We ſhall afterwards ſend another Engliſhman into that Kingdom, where it is lawful for any without fear of puniſhment, to murther him; But We for Our parts have ſo high an eſteem of your Majeſty, That we cannot eaſily believe your Royal Power within your own Dominions, to be ſubjected to any Forreign Power whatſoever.*

half:

half, which hath been a continual and moſt juſt Obſtacle, to the renewing of the Leagues between the two Nations, and might well be eſteemed (according to what hath been practiſed amongſt other Nations, upon the like occaſion) a juſt Cauſe of a War.

But as to the ſtate of Our Quarrel in the Weſt-Indies; whereas we have Collonies in America, as well in Iſlands as upon the Continent, upon as good and a better Title then the Spaniards have any, and have as good a right to Sail in thoſe Seas as themſelves; yet without any juſt Cauſe or Provocation (and where the Queſtion of Commerce was not at all in the Caſe) they have notwithſtanding, continually invaded, in an Hoſtile maner, Our Collonies, ſlain Our Countreymen, taken Our Ships and Goods, deſtroyed Our Plantations, made Our People Priſoners and Slaves, and have continued ſo doing from time to time, till the very time that we undertook the late Expedition againſt them.

Whereupon, contrary to What hath been formerly practiſed, they have alſo made an Embargo of Our Ships, and Arreſted the Perſons and Goods of all Engliſh men in Spain; ſo that Whether we look to the parts of America or of Europe, they are the firſt beginners and cauſers of the War, and of all the Blood and Inconvenience that may enſue thereupon.

The inſtances of the continual Acts of Hoſtility, and Cruelties, exerciſed by the Spaniards againſt the Engliſh in the Weſt-Indies in the times of Peace, both from the Year 1604,

when a Peace was made by King James, till the War broke out again, and from the conclusion of the last Peace in the Year 1630, till this time, are very many, and very Barbarous, and Bloody, We shall content Our selves with some few.

* A Ship called the *Ulysses*, being in Trade upon the Coast of *Guiana*, when the Merchants and Mariners went on shore upon the Faith and Oaths of *Don Berreo* Governor of that place; to which Oaths the Mariners giving credit, were notwithstanding Thirty of them suddenly taken and committed, and Letters written from the Governor to the Merchant, That it was true he had taken Thirty of his men prisoners, for that divers Strangers that had formerly traded there, had deceived him of Twenty thousand Duckets, but if that he would send him the Twenty thousand Duckets, then he vowed presently to send him all his Thirty men aboard safe, and then to continue their Trade also: whereupon, the Merchants sent him in Plate and Goods, his desired Sum; which when the Governor *Don Berreo* had received, he caused all the Thirty men to be strangled to trees, except the Chyrurgeon of the Ship, which was kept alive to cure the Governors disease. This Ransom with other Losses there, amounted to Seven thousand pounds.

After the Peace concluded in the Year 1605, a Ship called the Mary, Ambrose Birch being Master, was in Trade upon the North-side of Hispaniola in the West-Indies; and the Master with six of his Company being enticed on Shore by a Priest called Father John, to see some Merchandize, under promise of secure and fair Trading, and twelve Spaniards going aboard the Ship to view the English Wares; Whilest the English Merchants were shewing them their Merchandize, nothing doubting of any fraud, the Watch-Word being given from the shore by the Priest, every Spaniard drew out a great Knife, and stabbed all the English men aboard, except two that leaped into the Sea, and the rest on shore were put to strange deaths, and the Master himself was stripped naked, and bound to a tree with cords, and so pinched and stung to death, being naked, by Mosquetos; Where continuing about twenty hours, a Negro hearing a man roar, and cry in that extremity, and finding him, ran him through with his Lance: This Ship and

Goods

Goods was worth Five thousand four hundred pounds.

Another Ship called the Archer was the same year taken near to Sancto Domingo, and all her men executed: This Ship was worth Thirteen hundred pounds.

Another Ship called the Amity of London with her Pinace, was taken by Don Lewis Faczardo, Governor of the King of Spains Armado, the Ship and Goods were confiscated, and the Merchants and Mariners all cast into the Sea, except one Boy to do them service: This Ship and Pinace were worth Five thousand six hundred pounds.

Another Ship called the Scorn, having her men on shore, upon confidence of the Spaniards Oaths, they were notwithstanding all strangled to trees; where their Owners lost their Ship and Goods, amounting to Fifteen hundred pounds.

In the year 1606, a ship called the Neptune, was taken near the Tortugas by the Spanish men of war, being worth Four thousand three hundred pounds.

Mr. *John Davies* lost two Pinaces with all the Goods in them; and had all the men in the same murthered; to the overthrow of the Voyage, by which he lost Three thousand five hundred pounds.

In the same year, another ship called the Lark, was taken by Don Lewis Faczardo, and confiscated with her Whole Lading, being worth Four thousand five hundred and seventy pounds.

One other ship belonging to divers Merchants of *London*, (whereof the Master was *John Lock*) was by the Spanish Forces taken near the Island of *Tortugas*, for Trading and cutting Woods; and for the same the ship and goods confiscated, and most of the Men taken and executed, and the rest committed to the Galleys, to the loss of Five thousand three hundred pounds.

Another ship called the Castor and Pollux, was taken by the Spaniards upon the Coast of Florida, Which they confiscated, and execu-

ted all the Men in her, or kept them Slaves, for they could never be heard of since: This ſhip with her merchandize was worth Fifteen thouſand pounds.

In the year 1608, a Ship called The Richard of Plimouth, whereof was Captain one Henry Challins, being ſet forth by the Lord Chief Juſtice Popham, Sir Ferdinando Gorges, and others, for Virginia, and by violent Storms being driven to the ſouthward of the Canary Iſlands, and then bending her courſe for the place they intended, in 27 degrees, by chance they met with Eleven ſayl of Spaniſh ſhips coming from St. Domingo, which took the ſaid Ship, notwithſtanding that the Captain ſhewed the Kings Broad Seal for his Warrant, yet the Ship and Goods were confiſcated, and the men moſt cruelly uſed, and ſent to rowe in the Gallies; whereby was loſt above Two thouſand five hundred pounds.

The like was done to another Ship called the Ayde, taken by Don Lewis Faczardo, under colour of friendſhip, and the Ship and Goods confiſcated, and all the men ſent to the Gallies, where ſome were beaten to death with Cudgels, for that they refuſed to rowe; which ſhip and goods were worth by the Spaniards own computation, Seven thouſand pounds.

In the ſame year, another Ship called the Anne Gallant, Mr. William Curry Maſter, being in Trade upon Hiſpaniola, the Ship and Goods were confiſcated, and the whole company hanged up with papers written upon them, Why came you hither? This Ship and Goods was worth Eight thouſand pounds.

Theſe particulars may ſuffice to ſhew what

Peace

Peace the Spaniards kept with Us in the West-Indies in the time of King James who was very careful, or rather fearful to break the Peace with them; And the like hostile and bloody Foot-steps, We may trace down from the time of the last Peace concluded in the year 1630, unto this very time.

We shall begin with the Colonies of this Nation, setled by certain Noblemen and Gentlemen, in the Islands of Cattelina (called by them Providence) and Tortugas (by them named Association) which about the year 1629, being void of all Inhabitants, and tame Beasts or Cattel, were actually possessed by the English in time of Open War between England and Spain; And the next year a Peace being concluded between the two Nations, & no Claim or Reservation therein of the said Islands by the Spaniards, the late King did by his Letters Patents under the Great Seal of England, (notwithstanding that Peace) assume the said Island of Providence, with other adjacent Islands, as part of his own Dominions, and did grant the same to divers Noblemen and Gentlemen, and their Successors; and the next year extended his Grant to the aforementioned Island of Tortugas.

And notwithstanding ȳ the said Adventurers were in possession of the Islands aforesaid, by the late Kings Grant, founded upon a double Right, that of Nature, the Places not being in the possession of the Spaniards or any others; and that of War, being taken in the time of War, and not excepted in the Treaty of Peace, and consequently the Spaniards

pretenſions thereunto, (if they had any) extinguiſhed, by their own Agreement in the Second Article of the laſt Treaty; And notwithſtanding that neither the ſaid Company, nor any employed by them, did give the leaſt juſt Cauſe of Offence unto the King of Spain, or any of his Subjects, until ſuch time as they had firſt aſſaulted their Ships and Colonies, and ſlain divers of the Engliſh therein, burning and deſtroying their Plantations; yet the Spaniards obſerving no Peace with the Engliſh in thoſe parts, about the 22 of January 1632, without any juſt Provocation, did aſſault one of the Ships of the ſaid Company, called The Sea-flower, in her peaceable Return from Providence, between the Tortugas and the Cape of Florida; in which Aſſault, they killed ſome, and wounded others in the ſaid ſhip.

And after about the year 1634, the Iſland of Tortuga was aſſaulted by divers Subjects of the King of Spain, in four Veſſels, though there was no Provocation at all on the part of the Engliſh; in which aſſault, threeſcore or more were ſlain, divers wounded and taken priſoners, their Plantations ſpoiled, their Houſes burned, their Goods to a great value carried away by the Spaniards, and the Iſland wholly diſ-peopled thereby of the Engliſh, whereof ſome being hanged, and others carried priſoners to the Havana, were detained in cruel ſlavery, and one of them called Grymes, formerly a Gunner at Tortuga, was there barbarouſly murthered; and ſome of them flying for Refuge to Sancta Cruce, an Iſland void of Inhabitants, were purſued thither by the Spa-

Spaniards in three Friggots, and there assaulted in March 1636; in which Assault, about forty of the English were slain, and the rest carried away prisoners, and used with very much hardship.

And the 24 of July 1635, the Island of Providence it self was assaulted by the Subjects of the King of Spain, in two great ships and a Friggot, which maintained a Fight for divers hours, but were beaten off at that time, and forced to discontinue their Attempt, till they renewed it again about the year 1640, with twelve sayl of ships, great and small, whereof the Admiral was the Armadillo of Cartagena, one of the King of Spain's Gallioons of his Plate-Fleet; from this Fleet having landed a considerable number of soldiers, they promised themselves the Conquest of the Island, but were again repulsed with a considerable Loss on their part; yet soon after returning with another Fleet, the Colony being then fallen into Divisions and Distractions amongst themselves, they did not think so much of making a good Defence, as of making good Conditions for themselves, which upon the Delivery up of the Island, with little or no opposition they obtained; but the Island was thereby Wrested from the said Adventurers, and from the CommonWealth, to the particular Loss of the one, above Eighty thousand pounds, and to the Publique Dishonor and Detriment of the other; And being possessed by the Spaniard, a ship that came from New-England with some People from thence, that intended to have transplanted themselves into

to

to that Iſland, was cunningly drawn within the reach of their Canon (being ignorant that the Place was in the Spaniards hands) and got off with a great deal of danger and difficulty, and the loſs of the Maſter of the ſhip (a very honeſt man) who was ſlain with a Canon ſhot from the Iſland.

Neither were the Spaniards content to bound their Enterprizes againſt the ſaid Adventurers within the parts of America but alſo extended their acts of hoſtility againſt them to theſe parts of Europe; for on the 25 of December 1638 a ſhip called the Providence, belonging to the ſaid Company, under the Command of Captain Thomas Newman, was aſſaulted and ſurprized two Leagues off Dongeneſſe upon the Coaſts of England, by one Captain Springfield, Captain of a Dunkirk Man of War, and carried to Dunkirk, where the ſaid Goods were detained (being by divers there acknowledged to be of Thirty thouſand pounds value) and of the Engliſh aboard the ſaid ſhip, ſome were ſlain, others wounded, and the reſt after a barbarous and uncivil Uſage aboard, were carried priſoners to Dunkirk, where ſome were uſed with much hardſhip, till they found means to eſcape; And notwithſtanding that the ſaid Adventurers uſed all due means for to obtain ſatisfaction, and that the late King by his Agent ſir Balthazar Gerbeere, and by his Letters, as well Written by Secretary Cook, as with his own hand, required Juſtice on their behalf; yet could they not obtain Reſtitution of any part of the ſaid Goods, or any Reparation in lieu thereof.

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There are Examples of more fresh and bleeding Memory, as that of Sancta Cruce, assaulted by the Subjects of the King of Spain, from Puertorico, about the year 1651. being an Island formerly void of all Inhabitants, and possessed at that time by a Colony of the English, under the command of Captain Nicholas Philips, who, together with about a hundred more of the said Colony, were slain and butchered by the Spaniards, who seized the Ships in the Harbour, pillaged, burnt, and destroyed their Plantations, and Houses, and finding no more men to massacre (part of the Inhabitants escaping by flight into the Woods) the Spaniards returned to Puertorico, and gave opportunity to that Miserable, and almost starved Remnant, to betake themselves to other adjacent Islands, and totally desert that of Sancta Cruce; yet the Spaniards returned after a While from Puertorico, to hunt out and murther those who had retired themselves into the Woods, but they found means to escape their hands, and to get into other Islands.

In the same year 1651. a Ship belonging to Mr. John Turner, being forced into the Port of Cumanagota by stress of Weather, was seized by the Governour, and the Ship and Goods confiscated.

The like was done to another Ship and goods belonging to Captain Cranley.

The like had formerly been done in the same Port to a Ship belonging to Mr. *John Bland*, of which Capt. *Nicholas Philips* was Commander.

And in the year 1650. a Ship belonging to Mr. Samuel Wilson, bound for Barbadoes, and laden with Horses, was taken at Sea, and carried in-

to the Havana, the Ship and goods were confiſcate, and moſt of the Men kept Priſoners, and forced to Work in the Bulwarks like Slaves.

The like uſage had the Company belonging to a Ship of Barnſtable, about two years ſince at Sancto Domingo in Hiſpaniola; which Ship, ſpringing a Leak neer Hiſpaniola, as ſhe was returning from ſome of Our Plantations in the Cariby Iſlands, her Company were forced to ſave themſelves in their Boat upon Hiſpaniola, where they were taken Priſoners, and made to Work like ſlaves in their Fortifications.

By theſe particulars (and many other of the like nature, which would be too long to rehearſe) it is moſt apparent that the King of Spain and his Subjects, do not account themſelves bound to hold any terms of Peace with the Engliſh in thoſe parts, but continually exerciſe all manner of Hoſtility againſt them, and Worſe than Hoſtility; the Barbarous Uſage of the Engliſh there, being ſo far from the Laws of Peace, that it is not agreeable to the Laws and Cuſtoms of a Fair War: And yet the Engliſh muſt be taxed (as they are by the King of Spain in his Order for the late Embargo) as thoſe, That had been wanting to, and Violaters of the ſacred Bonds of Peace & free commerce (ſo religiouſly (as he ſaies) obſerved by him) and that with ſo unthought of, and declared Hoſtility, as the aſſaulting of the City of Saint Domingo in the Iſland of Hiſpaniola: which is laid down as the ſole Ground and Cauſe of the ſaid Embargo of the Engliſh goods, and arreſt of their perſons in Spain, though aggra-

aggravated against Us, by a Representation of His Friendly admission of Our Fleets into his *Ports, where they were pleased to come, and had found it convenient for them to touch, without notice taken by his Ministers, according to the rigour of the Capitulations of Peace, between the two Crowns, which doth reciprocally prohibite the entrance into the Ports with more than Six or Eight Ships of War.

* Captain *Swanley* found no such kinde entertainment in the Port of *Trepanni* in *Sicily*, where about *June* 1653. his Ship called the *Henry Bonaventure*, together with a *Dutch*-Prize called the *Peter*, a Great and rich Ship, were surprized in that Port within Pistol shot of their Fort, by seven *Dutch* men of War under the command of young *Trump*, through the treachery of the King of *Spains* Governor of that place, whereby the Merchants concerned in the said Ship, lost to the value of sixty three thousand pounds and upwards.

But as himself in those words cleareth Our Fleets of any Infringement of the Capitulations in What they did, being done by leave and permission of himself, and his Ministers (if any such thing were done, and connived at, as is alledged) and as all the world well knoweth, he was not so courteous for nought, Considering the advantage and countenance that his affairs of late have received from Our Fleets; so on the other side the said King, and his Ministers, have taken very little notice of the Capitulations by him mentioned, Wherein it is so expresly Provided in the 23. Article thereof, that if any mis-understanding should happen to arise between the two States, The Subjects of either are thereof so to be admonished, as that they may have six moneths, from the time of the Monition, to transport their Merchandizes without any arrest, disturbance or hurt in the mean season to be done,

done, or given unto them, either in their persons or Merchandize. In which, the said King by the late Embargo hath been manifestly wanting to the bonds of those Capitulations by himself remembred against Us, and his Declaration in the said Order, That acts of hostility exercised in the West-Indies, are a breach of Peace, and of the freedom of Commerce in these parts, is of the first Impression that hitherto hath proceeded from either State; though there have not been wanting several occasions on both sides to have done it.

But since the King of Spain hath both by word, and deed, Declared the Treaties of Peace so to be understood, he hath consequently concluded himself to have first violated the sacred bonds of friendship, by so many acts of open Hostility, first exercised by him upon the English in those parts, and from time to time continued, ever since the last Treaty of Peace, as before hath been particularly declared; which is a thing so evident, and notorious, that Our adversaries themselves cannot certainly have the face to deny the matter of Fact, but will choose rather to insist upon the matter of Right, and that as the King of Spain hath assumed amongst his Titles, that of Rex Indiarum; so indeed all the Indies and Indian Sea, both North and South, are his proper Dominions, and that they are all Enemies and Pyrates, that come there without his permission. Which truly if it were so, both We and all other Nations, ought to quit to him all We hold in those parts, and displanting Our Collonies, ask him pardon for the Wrong We have hitherto

therto done unto him. But if we look into the ground of his Claim and Title, it will appear a very poor and weak foundation, to raise so great, and so bloudy, a building upon, as this hath, and is like to prove.

A double Title is pretended, that of the Popes Donation, and that of first Discovery; For the former, we know very well, the Pope hath indeed been very free in disposing of Kingdoms and Countreys, therein being very unlike him whose Vicar he pretendeth to be, that would not take upon him so much as to be a Judge to divide Inheritances, much less to give them away at his pleasure; as the Pope hath done the Kingdoms of England, Ireland, and others: But we acknowledge no such power in him, nor do we believe, that any Nation is so void of sense, as to think he hath any such power; or that the Spaniards themselves do believe it, or would affirm it, if the Pope had given asmuch from them, as he hath given to them: And if the French, and others, who acknowledge the Popes power in Ecclesiastical matters, do esteem this Title of the Spaniards ridiculous, it cannot be expected that we should account it any other; and so we leave it as not worthy any further answer.

And of as little weight is their other Title, as if the Subjects of the King of Spain, having first made discovery of some few parts of America, and having given names to some Islands, Rivers and Promontories, they should thereby be intituled to the sole Signiory of that New-world. But an Imaginary Title, upon such a prescription, without possession,

cannot create any real right: The best Title, that any can have to what they posſeſs in thoſe parts of America, is Plantation and Poſſeſſion, where there were no Inhabitants, or where there were any, by their conſent, or at leaſt in ſuch Waſte and deſolate parts of their Countries, as they are not able in any meaſure to plant, and poſſeſſe; (God having made the World for the uſe of men, and ordained them to repleniſh the ſame.)

Upon which grounds, as the Spaniards will have little right to what they hold, having got all which they have, contrary to the conſents, and out of the bowels of the firſt Inhabitants, in whoſe bloud they have founded their Empire; and not found, but made great Iſlands, and whole Countries void of Inhabitants, having rooted out all the Natives: So on the other ſide, the Engliſh will have a very clear Title to their Plantations, eſpecially to divers Iſlands, which the Spaniards have aſſaulted, and ſlain their Colonies in, which either never had any Inhabitants, or if deſtroyed by the Spaniards, were alſo deſerted by them, and left unpeopled; ſo that by the Law of Nature and of Nations, they rightfully accrew to the Occupiers, and poſſeſſors thereof, according to the known maxime, Quæ nullius ſunt & pro derelictis habentur, cedunt occupanti. Although if we had diſpoſſeſſed the Spaniards of the places where we planted Our Colonies, and where they had firſt diſpoſſeſſed and rooted out the Natives; we, as avengers of thoſe peoples bloud and wrongs, ſhould have had

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a better Title to their Countries then their oppressors, and murtherers. But Our Plantations having been where neither Natives nor Spaniards had any possession, nor had left behinde them any habitations, cattle, or other thing, which might in any sort retain or preserve their Claim or Title, Our right in those places was the more clear, and the wrongs and injuries done unto Us by the Spaniards, the more apparent; especially in such places which were seised upon in time of open War between the two Nations (as were the Islands of Providence and Tortuga) whereunto, if the Spaniards could have pretended any precedent Dormant Title, yet, not making their Claim upon the Close of the last Peace; by the second Article thereof they concluded themselves, as to any such pretentions, and extinguished all future Claim, and right thereunto.

We need not enlarge Our Discourse upon this subject, for there is not any understanding man who is not satisfied of the vanity of the Spaniards pretentions to the sole Soveraignty of all those parts of the World. But We have opened a little the Weak and frivolous pretences, whereupon the Spaniards ground all their cruel & unworthy dealings with the English in the West-Indies; enslaving, hanging, drowning, and cruelly torturing to death, Our Countrey-men, spoiling their Ships and Goods, and destroying their Colonies in the times of greatest Peace, and that without any just cause or provocation at all, That the English Nation reflecting upon the indignity of such proceedings against

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their own flesh and bloud, and the professors of the same true Christian Religion with them, might consider with themselves how the Honour of this Nation would lie rotting, aswel as their Vessels of War, if they should any longer suffer themselves to be used, or rather abused in this manner, and not only excluded from Commerce with so great and rich a part of the World, against all right and reason; but also be accompted, and executed as Rovers and Pyrates for offering to Sail, or look in to those Seas, or having any intercourse (though with Our own Plantations only) in those parts of the World.

We say nothing of the bloudy Spanish Inquisition (a common cause of quarrel to all Protestants) nor of so many Seminaries of English Priests and Jesuits in the Spanish Dominions (a particular ground of offence and of danger to this CommonWealth) Our scope principally being, to declare the causes and grounds of Our quarrel in the West-Indies. And We trust, by what hath been said, We have sufficiently manifested unto the Consciences of all indifferent and impartial men; that Our Necessity, Our Honour, and Our Justice, have called Us forth to the late Engagement: Our Necessity; for We must have War, where the Spaniards will not let Us have Peace: Our Honour and Our Justice, for it cannot stand with either, to sit down and suffer such vile indignities to be continually done in the West-Indies, to the people of this Nation, as before hath particularly been declared.

Besides, they look but a little way, that take

take a measure of the Spanish interest and intentions, from the late shape and countenance that the present exigent of their affairs, have made them to put on towards Us in these parts of the World; as if their minde, or the sense of their interest, were altered (and not rather heightned, together with their hatred and jealousie upon the late Changes, and temper of this State) from what they had in the year 1588. When they designed the totall Conquest of the English Nation; and if this point of time, which through some late accidents may possibly minister an occasion to lay some foundation for securing Our selves (by Gods blessing) from so inveterate and irreconcileable an Enemy of our Religion and Countrey, be let passe, he may soon recover again a power (for a minde he neither can, nor will ever want) to become as intolerable and dangerous as heretofore; and We in the mean time suffering such Barbarous usage of our Countreymen in the West Indies, without requiring any satisfaction or Justice for the same; and Our whole Nation to be excluded out of so considerable a part of the World, and suffering Our grand and known Enemies, quietly to bring home that vast treasure from the West Indies (having now also a Peace with the Dutch) and thereby to repair his present Breaches, and put himself into a condition again to resume that Debate which he had in the year 1588. Whether it were not better to begin with *England*, in order to reduce the United Provinces, or to begin first with them in order to reduce *England*: And no doubt he will finde as many and more reasons than

he did then, to begin first with England: In which attempt, if God should permit him to obtain his will, we might justly expect upon Us first, and after upon all Protestants whersoever, a second part of that sad Tragedy which was lately acted upon Our Brethren in the Valleys of Piedmont. Which (if we may believe the Remonstrance of those poor Protestants) had its source and first Contrivance from the Missionary Fryars, through the influence of the Court of Spain.

All these things considered, we hope all true hearted English men will lay by their private animosities against each other, and rather deny themselves in their particular concernments, then out of Covetousness of a little gain by Trade (which cannot be had but upon Dishonorable, and in some sort, Dishonest terms, and may be supplyed otherwise) hazard the Souls (as they do of many young Merchants and Factors upon the Tearms they live and trade in Spain) and sacrifice the Lives and Estates of many of their Christian Brethren in America, together with the Honour of this Nation: And, which is worst of all, sell away the precious opportunities which God hath put into their hands for his Glory, and the advancement of the Kingdom of Christ, which we do not doubt will in the end (all Mists being dispelled and cleered) appear to have been the principall end of the late expedition and undertaking against the Spaniards in the West Indies.

Friday October 26. 1655.

Ordered by His Highness the Lord Protector, and the Council, That this Declaration be forthwith Printed and Published. *Henry Scobell*, Clerk of the Council.